

SECRET

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DETAILS IN AND OUT

Attached is information concerning the detail out of Agency employees to other Government agencies and the detail in to the Central Intelligence Agency of non-CIA Government employees. In some instances there are rather formal agreements between CIA and another agency and in others there are letters establishing agreements for particular employees being exchanged.

While there is no formal agreement between this Agency and NSC, we have tried to explain it somewhat and this is attached under the NSC tab. Also, while there are no Agency employees involved, there is a continuing agreement with the Secret Service, based on Public Law, concerning the protection of the President and foreign dignitaries.

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18 U.S.C. A. 3056

Ch. 203

ARREST AND COMMITMENT

18 § 3056

Historical and Revision Notes

Reviser's Note. Based on Title 18, U. S.C., 1940 ed., § 393a (June 15, 1935, c. 261, Title II, § 202, 49 Stat. 381; 1939 Reorg. Plan No. II, § 4(f), 4 F.R. 2731, 53 Stat. 1133). Section 393a was incorporated in this section and sections 43, 44, and 3112 of this title. Minor changes of phraseology were made.

Library References

Arrest 63.

C.J.S. Arrest § 6 et seq.

§ 3055. Officers' powers to suppress Indian liquor traffic

The chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs or the Secretary of the Interior may execute all warrants of arrest and other lawful precepts issued under the authority of the United States and in the execution of his duty he may command all necessary assistance.

June 25, 1948, c. 645, 62 Stat. 817.

Historical and Revision Notes

Reviser's Note. Based on section 230 of Title 23, U.S.C., 1940 ed., Indians (Aug. 24, 1912, ch. 388, § 1, 37 Stat. 519). The only change was to delete the words at the beginning of the section, "The powers conferred by section 501 of Title 23 upon marshals and their deputies are conferred upon," and the addition, at the end of the section, of the phrase expressing such powers beginning with the words "may execute all warrants". 80th Congress House Report No. 304.

Library References

Arrest 63

C.J.S. Arrest § 4.

✓ § 3056. Secret Service powers

Subject to the direction of the Secretary of the Treasury, the United States Secret Service, Treasury Department, is authorized to protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the office of President, and the Vice President-elect; protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age, unless such protection is declined; detect and arrest any person committing any offense against the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; detect and arrest any person violating any of the provisions of sections 508, 509, and 871 of this title and, insofar

* See page 73.

18 § 3056

CRIMINAL PROCEDURE

Part 2

as the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks and Federal land bank associations are concerned, of sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title; execute warrants issued under the authority of the United States; carry firearms; offer and pay rewards for services or information looking toward the apprehension of criminals; and perform such other functions and duties as are authorized by law. In the performance of their duties under this section, the Chief, Deputy Chief, Assistant Chief, inspectors, and agents of the Secret Service are authorized to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Moneys expended from Secret Service appropriations for the purchase of counterfeits and subsequently recovered shall be reimbursed to the appropriation current at the time of deposit.

June 25, 1948, c. 645, 62 Stat. 818; July 16, 1951, c. 226, § 4, 65 Stat. 122; Aug. 31, 1954, c. 1143, § 2, 68 Stat. 999; Aug. 18, 1959, Pub.L. 86-168, Title I, § 104(h), 73 Stat. 387; Oct. 10, 1962, Pub.L. 87-791, 76 Stat. 809; Oct. 15, 1962, Pub.L. 87-829, § 3, 76 Stat. 956; Sept. 15, 1965, Pub.L. 89-186, 79 Stat. 791; Sept. 29, 1965, Pub.L. 89-218, 79 Stat. 890; Oct. 21, 1968, Pub.L. 90-608, ch. XI, § 1101, 82 Stat. 1198.

Historical and Revision Notes

Reviser's Note. Based on Title 18, U.S.C., 1940 ed., § 148, and on sections 264 (x) and 986 of Title 12, U.S.C., 1940 ed., Banks and Banking (Dec. 23, 1913, ch. 6, § 12B, subsection (x), as added June 16, 1933, ch. 80, § 8, 48 Stat. 178; July 17, 1916, ch. 245, § 31, sixth paragraph, 39 Stat. 382 (384); Dec. 11, 1920, ch. 2, § 3, 44 Stat. 918; Aug. 23, 1935, ch. 614, § 101, 49 Stat. 684, 703).

Section consolidates said section 148 of Title 18, U.S.C., 1940 ed., and said sections 264(x) and 986 of Title 12, U.S.C., 1940 ed., Banks and Banking.

Said section 148 of Title 12, U.S.C., 1940 ed., Banks and Banking, was concerned with offenses relating to counterfeiting and passing, etc., of transportation requests and to the unlawful possession or making of plates, stones, etc., used in making such requests, which were defined in sections 146 and 147 of said Title 18, now sections 508 and 509 of this title.

Said sections 264(x) and 986 of Title 12, U.S.C., 1940 ed., Banks and Banking were concerned with various offenses as defined in sections 981-985, 987 of said

Title 12, relating to Federal land banks, joint-stock land banks and national farm loan associations, and as defined in section 264 of said Title 12 relating to the Federal Deposit Insurance Corporation. All of the provisions of said sections 981-985, 987 of said Title 12, and the criminal provisions of said section 264 of said Title 12, were transferred to this title where they were, in some instances, consolidated with similar provisions from other sections. Such provisions are now incorporated in sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title. In most instances, these sections, as the result of the consolidations, relate to other organizations as well as those mentioned above, but, by enumerating the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks, and national farm loan associations in this section, the powers of the Secret Service are not broadened beyond what they were in said sections 264(x) and 986 of said Title 12.

In this section, the wording of said section 148 of Title 18, U.S.C., 1940 ed., and section 986 of Title 12, U.S.C., 1940

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ARREST AND COMMITMENT 18 § 3056

ed. Banks and Banking reading "The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department" was adopted, rather than the wording of said section 204(x) of said Title 12, which read "The Secret Service Division of the Treasury Department is authorized."

Words "of the United States marshal having jurisdiction", following "custody" in all three of said sections, were omitted as surplusage.

Changes were made in phraseology. 80th Congress House Report No. 304.

References in Text. Sections 218 and 221 of this title, referred to in text, were redesignated sections 213 and 216, respectively, by Pub.L. 87-849, § 1(d), Oct. 23, 1962, 76 Stat. 1125.

1963 Amendment. Pub.L. 90-603 substituted the death or remarriage of a former President's widow and the attainment by his minor children of age 16 for the passage of a period of four years after he leaves or dies in office as the events terminating Secret Service protection for the widow and minor children, respectively, of a former President.

1965 Amendments. Pub.L. 89-218 authorized the Chief, Deputy Chief, Assistant Chief, inspectors, and agents of the Secret Service to make arrests without warrant for offenses committed against the United States in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony and substituted "508, 509, and 571" for "508 and 509".

Pub.L. 89-186 substituted provision for the protection of the person of a former President and his wife during his lifetime and the person of a widow and minor children of a former President for a period of four years after he leaves or dies in office, unless such protection is declined for provision calling for the protection of a former President, at his request for a reasonable period after he leaves office.

1962 Amendments. Pub.L. 87-829 authorized the protection of the Vice President, without requiring his request therefor, and any officer next in the order of succession to the office of President, the Vice-President-elect, and of a former president, at his request, for a reasonable period after he leaves office.

Pub.L. 87-791 required moneys expended from Secret Service appropriations for

the purchase of counterfeits and subsequently recovered to be reimbursed to the appropriation current at the time of deposit.

1939 Amendment. Pub.L. 86-168 substituted "Federal land bank associations" for "national farm loan associations."

1934 Amendment. Act Aug. 31, 1934, eliminated the following "detect, and arrest * * * under the direct control of the Treasury Department", which clarified the FBI's authority to investigate Treasury Department officers and employees.

1931 Amendment. Act July 16, 1931, provided basic authority for the Secret Service to perform certain functions and activities heretofore carried out by virtue of authority contained in appropriation acts.

Effective Date of 1950 Amendment. Amendment by Pub.L. 86-168 effective Dec. 31, 1950, see Section 104(k) of Pub. L. 86-168, set out as a note under section 751 of Title 12, Banks and Banking.

Transfer of Functions. All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

Exceptions from Transfer of Functions. Functions of the Corporations of the Department of Agriculture, the boards of directors and officers of such corporations; the Advisory Board of the Commodity Credit Corporation; and the Farm Credit Administration or any agency, officer or entity of, under, or subject to the supervision of the said Administration were excepted from the functions of officers, agencies and employees transferred to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, effective June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

Major Presidential or Vice Presidential Candidates; Personal Protection. Pub. L. 90-331, June 6, 1968, 82 Stat. 170, provided:

"[Section 1. Additional powers; advisory committee.] That (a) the United

nor section 570 of Title 28 granting air marshals right to exercise the same powers which a sheriff of the state may exercise provides authority for provision that an air marshal may search without probable cause. *People v. Sortino*, N.Y. 1971, 325 N.Y.S.2d 472, 68 Misc.2d 151.

2. Arrest
Under this section authorizing the United States marshals and their depu-

ties to make warrantless arrests for specified offenses, power to take reasonable law enforcement steps short of, but which may lead to, an arrest can be fairly implied from the grant of arrest powers. *U. S. v. Riggs*, C.A.N.Y. 1973, 474 F.2d 689, certiorari denied 94 S.Ct. 115, 414 U.S. 820, 38 L.Ed.2d 53.

§ 3054. Officers' powers involving animals and birds

Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, may arrest any person who violates section 42 or 44, or who such employee or officer of the customs has probable cause to believe is knowingly and willfully violating section 43, in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections.

As amended Dec. 5, 1969, Pub.L. 91-135, § 7(b), 83 Stat. 281.

1969 Amendment. Pub.L. 91-135 provided for enforcement of section 42 of this title and substituted "any person who violates section 42 or 44, or who such employee or officer of the customs has probable cause to believe is knowingly and willfully violating section 43," for "any person violating said sections".

Effective Date of 1969 Amendment. Amendment by Pub.L. 91-135 effective 180 days after Dec. 5, 1969, see section 11 of Pub.L. 91-135, set out as a note under section 668cc-1 of Title 16, Conservation. Legislative History. For legislative history and purpose of Pub.L. 91-135, see 1969 U.S. Code Cong. and Adm. News, p. 1413.

§ 3056. Secret Service powers

(a) Subject to the direction of the Secretary of the Treasury, the United States Secret Service, Treasury Department, is authorized to protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the office of President, and the Vice President-elect; protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age, unless such protection is declined; protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad; detect and arrest any person committing any offense against the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; detect and arrest any person violating any of the provisions of sections 508, 509, and 871 of this title and, insofar as the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks and Federal land bank associations are concerned, of sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title; execute warrants issued under the authority of the United States; carry firearms; offer and pay rewards for services or information looking toward the apprehension of criminals; and perform such other functions and duties as are authorized by law. In the performance of their duties under this section, the Director, Deputy Director, Assistant Directors, Assistants to the Director, Inspectors, and agents of the Secret Service are authorized to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Moneys expended from Secret Service appropriations for the purchase of counterfeit and subsequently recovered shall be reimbursed to the appropriation current at the time of deposit.

(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service engaged in the performance of the protective functions authorized by this section, by the

Act of June 6, 1968 (82 Stat. 170), or 1 States Code, shall be fined not more than one year, or both.

As amended Jan. 2, 1971, Pub.L. 91-6 Jan. 5, 1971, Pub.L. 91-651, § 4, 84 Sta

References in Text. The Act of June 6, 1968 (82 Stat. 211), referred to in subsec. (b), is set out as "Major Presidential or Vice Presidential Candidates; Personal Protection" note under this section. 1971 Amendments. Subsec. (a). Pub.L. 91-651 authorized the Secret Service to protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad, and substituted "Director, Deputy Director, Assistant Directors, Assistants to the Director" for "Chief, Deputy Chief, Assistant Chief".

Subsec. (b). Pub.L. 91-644 designated existing provisions as subsec. (a) and added subsec. (b).

Applicability of 1950 Reorg. Plan No. 28. Section 5 of Pub.L. 91-651 provided that: "Section 3056 of title 18, United States Code, as amended by section 4 of this Act [this section], shall be subject to Reorganization Plan Numbered 28 of 1950 (84 Stat. 1280) [set out in the Appendix to Title 5, Government Organization and Employees]."

Legislative History. For legislative history and purpose of Pub.L. 91-644, see 1970 U.S. Code Cong. and Adm. News, p. 5804. See, also, Pub.L. 91-651, 1970 U.S. Code Cong. and Adm. News, p. 5903.

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4. Arrest without warrant—Generally

Secret service agents, who made warrantless arrest of defendant, charged with passing counterfeit federal reserve notes, were not required, at moment of arrest, to possess knowledge of facts and circumstances comprising probable cause for such arrest, but rather probable cause was to be determined on objective facts available for consideration by agencies or officers participating in arrest. *U. S. v. Stratton*, C.A. Mo. 1971, 453 F.2d 38, certiorari denied 92 S.Ct. 1515, 405 U.S. 1069, 31 L.Ed.2d 800.

Secret Service is empowered to effectuate lawful arrest without warrant only if there is reasonable ground to believe that person to be arrested has committed or is committing a felony. *Holt v. U. S.* C.A. Okl. 1968, 404 F.2d 914, certiorari denied 89 S.Ct. 872, 393 U.S. 1036, 21 L.Ed. 566.

§ 3057. Bankruptcy investigations

1. Dismissal of indictment
Defendant charged with fraudulently concealing and transferring assets of a bankrupt corporation, and with conspiracy, was not entitled to dismissal of indictment on grounds that the Government failed to comply with provisions of this section relating to bankruptcy investigations, where this section, directing that

Act of June 6, 1968 (82 Stat. 170), or by section 1752 of title 18, United States Code, shall be fined not more than \$300 or imprisoned not more than one year, or both.

As amended Jan. 2, 1971, Pub.L. 91-644, Title V, § 19, 84 Stat. 1892; Jan. 5, 1971, Pub.L. 91-651, § 4, 84 Stat. 1941.

References in Text. The Act of June 6, 1968 (82 Stat. 211), referred to in subsec. (b), is set out as "Major Presidential or Vice Presidential Candidates; Personal Protection" note under this section.

1971 Amendments. Subsec. (a). Pub.L. 91-651 authorized the Secret Service to protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad, and substituted "Director, Deputy Director, Assistant Directors, Assistants to the Director" for "Chief, Deputy Chief, Assistant Chief".

Subsec. (b). Pub.L. 91-644 designated existing provisions as subsec. (a) and added subsec. (b).

Applicability of 1950 Reorg. Plan No. 26. Section 5 of Pub.L. 91-651 provided that: "Section 3058 of title 18, United States Code, as amended by section 4 of this Act [this section], shall be subject to Reorganization Plan Numbered 26 of 1950 (64 Stat.1280) [set out in the Appendix to Title 5, Government Organization and Employees.]"

Legislative History. For legislative history and purpose of Pub.L. 91-644, see 1970 U.S.Code Cong. and Adm.News, p. 5904. See, also, Pub.L. 91-651, 1970 U.S. Code Cong. and Adm.News, p. 5903.

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4. Arrest without warrant—Generally

Secret service agents, who made warrantless arrest of defendant, charged with passing counterfeit federal reserve notes, were not required, at moment of arrest, to possess knowledge of facts and circumstances comprising probable cause for such arrest, but rather probable cause was to be determined on objective facts available for consideration by agencies or officers participating in arrest. *U. S. v. Stratton*, C.A.Mo.1971, 453 F.2d 36, certiorari denied 92 S.Ct. 1515, 405 U.S. 1069, 31 L.Ed.2d 800.

Secret Service is empowered to effectuate lawful arrest without warrant only if there is reasonable ground to believe that person to be arrested has committed or is committing a felony. *Holt v. U. S.* C.A.Okla.1968, 404 F.2d 914, certiorari denied 89 S.Ct. 872, 393 U.S. 1086, 21 L.Ed.

2d 779, rehearing denied 89 S.Ct. 1303, 394 U.S. 967, 22 L.Ed.2d 570.

5. Informers

Where informant had provided Secret Service agents with reliable information in the past, and informant correctly stated that defendant would be at airport at particular time and would be carrying counterfeit money, and informant after conversing with defendant notified agent that defendant possessed the contraband and agent relayed information to arresting officer who observed brown sack bulging from defendant's pocket, officer had probable cause for arrest notwithstanding his inability to identify currency as counterfeit prior to arrest, and search and seizure were valid as incident to lawful arrest. *Holt v. U. S.* C.A.Okla.1968, 404 F.2d 914, certiorari denied 89 S.Ct. 872, 393 U.S. 1086, 21 L.Ed.2d 779, rehearing denied 89 S.Ct. 1303, 394 U.S. 967, 22 L.Ed.2d 570.

7. Children of deceased President, protection of

Photographer would be enjoined from interfering with secret service agents' duties of protecting children of deceased president and would not be permitted to enter the children's schools or play areas, to engage in action calculated to or reasonably foreseen to place their safety or well-being in jeopardy, would not be permitted to harass, alarm or frighten children and would not be permitted to approach within 30 feet of the children. *Galella v. Onassis*, C.A.N.Y.1973, 487 F.2d 986.

United States was entitled to injunction against activity of photographer who allegedly harassed children of deceased President under protection of secret service agents, either under common-law principles or this section relating to secret service powers, on showing that photographer impaired objective of secret service function and impaired means by which agents went about achieving objective. *Galella v. Onassis*, D.C.N.Y.1972, 353 F.Supp. 196, affirmed in part, reversed in part on other grounds 487 F.2d 986.

8. Presidential safety and security

In class action against various state and federal law enforcement officers on behalf of United States citizens who were excluded from general presence of President of the United States at public gatherings in North Carolina involving well-known religious figure, evidence failed to establish that actions of the defendants, although done as federal agents and ostensibly under color of federal authority, were justified upon basis of necessity for presidential safety or security. *Sparrow v. Goodman*, D.C.N.C.1973, 361 F.Supp. 569.

§ 3057. Bankruptcy investigations

1. Dismissal of indictment

Defendant charged with fraudulently concealing and transferring assets of a bankrupt corporation, and with conspiracy, was not entitled to dismissal of indictment on grounds that the Government failed to comply with provisions of this section relating to bankruptcy investigations, where this section, directing that

the United States Attorney, "if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury," does not on its face confer any procedural rights upon a defendant in a bankruptcy fraud prosecution. *U. S. v. Filiberti*, D.C. Conn.1973, 353 F.Supp. 252.